

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09333

Priority: August 21, 2007

Maximum Diversion Rate: 0.04 CFS

This is to certify, that MARY ARMSTRONG
PO BOX 971
SANDPOINT ID 83864

And

ROSS FULMER
PO BOX 971
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING L3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 3, Twp 59N, Rge 02W, B.M. BONNER County

PLACE OF USE: DOMESTIC

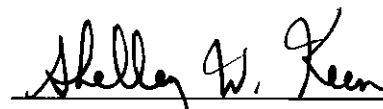
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
59N 02W 3					X												
					L3												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2012**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Boise, this 25th day of October, 2007.


for DAVID R. TUTHILL, JR., Director

SCANNED
OCT 26 2007

14054

Ident. No. 96-9333

RECEIVED

AUG 21 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

IDWR/North cell

1. Name of Applicant ROSS Fulmer + MARY ARMSTRONG Phone 808-895-7211

Mailing address P.O. Box 971, SANDPOINT, ID 83864

2. Source of water supply SPRING which is a tributary of ~~THE~~ SINKS

3. Location of point of diversion is Township 59 N Range 2 W Sec. 3, in the ~~SW~~ south half of
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 3, B.M., BONNER County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .04 cfs for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: ALREADY IN PLACE

a. Describe type and size of devices used to divert water from the source CISTERN, STORAGE
TANK, PRESSURE TANK

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? N/A

e. If well is already drilled, when? N/A; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

☒ d. Domestic; show number of households. ONE HOUSEHOLD ONLY

e. Other; describe fully. _____

SCANNED

OCT 1 2007

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
59	2W	3					D												

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? APPLICANTS
- b. Who owns the land to be irrigated or place of use? APPLICANTS
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: PREVIOUS OWNER OF PROPERTY DEVELOPED THE SPRING FOR DOMESTIC USE SEVERAL YEARS AGO. AS FAR AS WE ARE ABLE TO DETERMINE, HE NEVER APPLIED FOR THE RIGHTS TO THE SPRING ON WHICH THE PROPERTY DEPENDS FOR WATER.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ross Fulmer / Mary C. Armstrong
 Signature of Applicant (and title, if applicable)
 ROSS FULMER / MARY C. ARMSTRONG
 — OWNERS

Received by EN Date 8-21-07 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by cm # NO18659 Date 8-21-07
 Publication prepared by Ø Date 8/30/07 Published in Banner Co. Daily Bee 9/6 & 13/07
 Publication approved Ø Date 9/14/07

SCANNED
 08/23/07

96-9333



0.08 0 0.08 0.16 Miles

-  Place of use.shp
-  Bonner taxlots
-  Boundary taxlots
-  GCDB60N02W GCDB
-  GCDB59N02W GCDB
-  Right POD
-  Application POD
-  Point of diversion.shp
-  Administrative BasinsAdminbas.shp

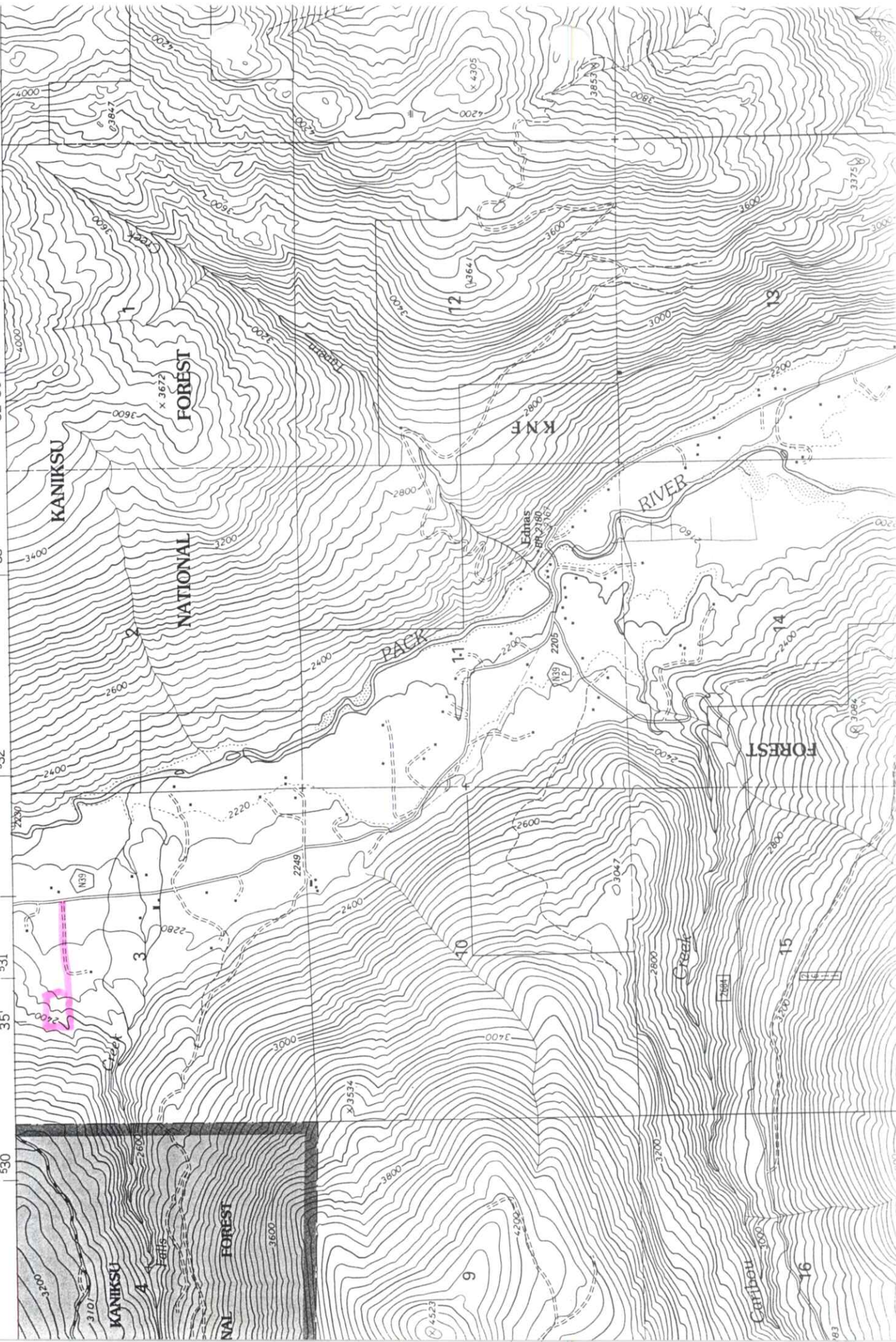


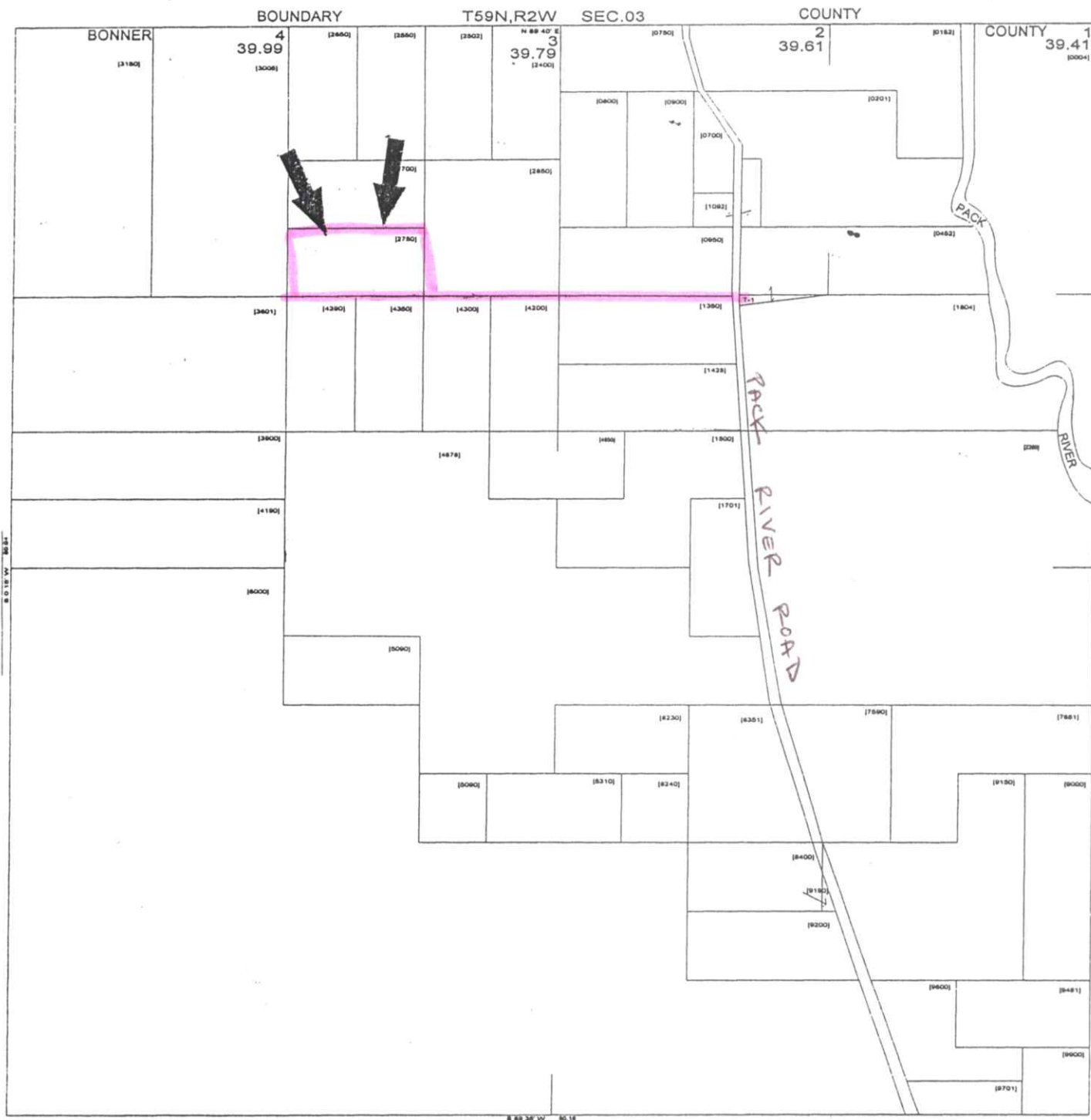


U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE



530 531 532 533 31' 30" 310 000 FEET R 2 W 535 R 1 W





This sketch is furnished without charge solely for the purpose of assisting in locating said premises and Sandpoint Title Insurance assumes no liability for inaccuracies therein.

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

October 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MARY ARMSTRONG
ROSS FULMER
PO BOX 971
SANDPOINT ID 83864

RE: Permit No. 96-9333

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

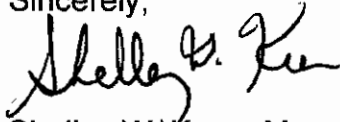
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

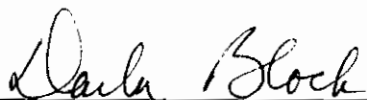
I hereby certify that on October 26, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9333

**MARY ARMSTRONG
PO BOX 971
SANDPOINT ID 83864**

**ROSS FULMER
PO BOX 971
SANDPOINT ID 83864**

A handwritten signature in cursive script, reading "Darla Block", is positioned above a horizontal line.

**Darla Block
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: October 25, 2007
To: Water Right File 96-9333
From: cpadilla
Re: Permit Review

No WD, protests, or overlaps
Recommend for approval as suggested by the region.

RECEIVED

SEP 14 2007

IDWR/North

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-9333

MARY ARMSTRONG

ROSS FULMER

PO BOX 971

SANDPOINT ID 83864

Point(s) of Diversion L3 (NENW) S3 T59N R02W BONNER Co.

Source SPRING - Tributary to SINKS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 08/21/2007

Place Of Use: DOMESTIC

T59N R02W S3 NENW Lot 3

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be

submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed

with the Director, Dept. of Water Resource, Northern Region, 7600

Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a

protest fee of \$25.00 for each application on or before 09/24/2007.

The protestant must also send a copy of the protest to the appli-

cant.

DAVID R. TUTHILL, JR., Director

Legal SNP 8947

September 6, 13, 2007

*See reverse
for affidavit*

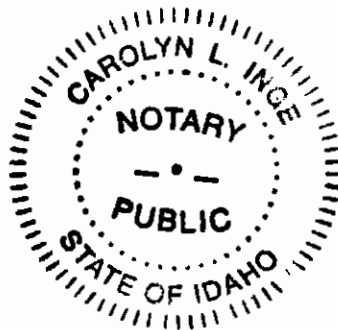
RECEIVED
SEP 14 2007
IDWR/North

Sherilyn Jones, being first duly sworn on oath, deposes and states:

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 6 day of Sept, 2007, and ending on the 13 day of Sept, 2007.

Shirley Jones

Cavlyn H. Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8/12



See reverse
for legal

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-9333

MARY ARMSTRONG

ROSS FULMER

PO BOX 971

SANDPOINT ID 83864

Point(s) of Diversion L3 (NENW) S3 T59N R02W BONNER County

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Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 08/21/2007

Place Of Use: DOMESTIC

T59N R02W S3 NENW Lot 3

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 09/24/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director - Published Sept. 6 & 13, 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

*Please Fax or e-mail proof copy to me before this goes to press
Fax (208) 762-2819
Thanks, Dianne*

August 30, 2007

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9333

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 6 and 13, 2007, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/24/2007. Your cooperation is truly greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, August 30, 2007 3:48 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication Sept 6 & 13, 2007

Good afternoon, Sheri,

Attached is our cover letter requesting publication of a legal notice on Sept. 6 and 13, 2007. The legal notice is also attached.

Once again, please e-mail or fax me a proof before this goes to press. My fax number is 208-762-2819

If you have any questions, please call me at 208-762-2800.

Thanks, and have a magnificent rest of the day. In CdA the clouds looked menacing around noon, but it is presently sunny and warm. A beautiful afternoon.

Happiness held is the seed...happiness shared is the flower.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
3-30-07 BCDB e-ma.



LegalNotice
3-30-07 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 30, 2007

MARY ARMSTRONG
ROSS FULMER
PO BOX 971
SANDPOINT ID 83864

RE: Application for Permit No 96-9333

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on September 6 and 13, 2007. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 24, 2007

MARY TERRA-BERNS
DEPT OF FISH & GAME
2885 W KATHLEEN AVE.
COEUR D ALENE, ID 83814

6 pages

Application to Permit No. 96-9333

Dear Mary:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of date of this letter.

This application is for a spring, tributary to sinks. No rivers or streams are involved.

Please feel free to contact this office if you have any questions regarding the application.

If you have comments, we would appreciate receiving them by no later than **September 24, 2007**. You may send comments by regular mail to the address above, by FAX to (208) 762-2819, or by e-mail to dianne.ball@idwr.idaho.gov or to keith.franklin@idwr.idaho.gov.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)